

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RONALD LEE ALLEN,

Plaintiff,

v.

CLARK COUNTY DETENTION CENTER, *et al.*,

Defendants.

2:10-cv-00857-RLH-LRL

O R D E R

Before the court are plaintiff's Motion for Appointment of Counsel (#11), Motion to Appoint Counsel (#31), and Motion to Appoint Counsel (#40). The court may appoint counsel under 28 U.S.C. § 1915 only under exceptional circumstances. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). "A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved. Neither of these factors is dispositive and both must be viewed together before reaching a decision." *Id.* (citations and internal quotation marks omitted). It is far from clear that plaintiff will likely prevail on the merits. Moreover, this is not a complex case, and plaintiff has demonstrated that he is capable of adequately articulating his claims.

Accordingly, and for good cause shown,

...

...

...

...

...

...

1 IT IS ORDERED that plaintiff's Motion for Appointment of Counsel (#11) is DENIED.

2 IT IS FURTHER ORDERED that plaintiff's Motion to Appoint Counsel (#31) is stricken.

3 IT IS FURTHER ORDERED that plaintiff's Motion to Appoint Counsel (#40) is stricken.

4 DATED this 7th day of December, 2010.

5 

6
7 **LAWRENCE R. LEAVITT**
8 **UNITED STATES MAGISTRATE JUDGE**
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26